

F-8387

Ser. No. 10/509,817

REMARKS

By the present paper, claims 1, 20, 22, and 24 are amended and claim 2 is cancelled. Claims 1, 3 - 6, 8 - 17, 20, 22, 24, 25, 31 - 41, 44, and 45 are in the Application and under examination. Entry of the claim amendments and reconsideration of the Application are respectfully requested.

The Claim Amendments:

Claim 1 is amended to incorporate the limitations of claim 2 that previously depended from claim 1. Claim 1 is amended to point-out with even greater particularity that the "raw material product" is converted into a "conveyable mixture". The skilled artisan would understand that a raw material product is a material short of a final product. Claims 20, 22, and 24 are amended to correct their dependency required by cancellation of claim 2.

Applicants respectfully submit that support for the claim amendments can be found, for example, in the claims as filed, and that the claim amendments do not introduce new matter into the Application.

Claim Rejections Under 35 U.S.C. § 112, paragraph second:

Claim 1 stands finally rejected because, it is alleged, the phrase "material product to a conveyable mixture" is unclear. Claim 1 is amended as suggested in the Office Action.

Claim Rejections Under 35 U.S.C. § 103:

Claims 1 - 6, 8 - 17, 20, 22, 24, 25, 31 - 41, and 44 - 45 stand finally rejected as allegedly obvious over Randall A. Baker and Rebecca R. Krueger, United States Patent 5,902,629 (Baker et al.) in view of Brendan J. Donnelly et al., United States Patent 5,334,407 (Donnelly et al.). Applicants respectfully traverse.

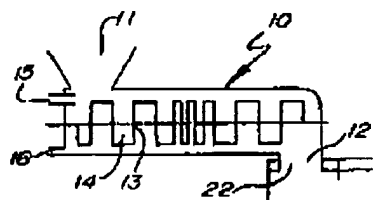
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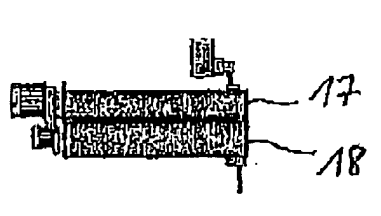
Applicants assume, *arguendo*, that Baker et al. discloses components capable of being considered a “preconditioner” and an “agglomerator”. However, the construction and arrangement of these elements is different from the construction from the (assumed) corresponding elements in Applicants’ claims. Applicants further assume, *arguendo*, that element [10] of Donnelly et al. (conditioning cylinder, Figure 4) can be considered a preconditioner. However, the design, construction, and operation of the conditioning cylinder of Donnelly et al. is completely different from the design, construction, and operation of the preconditioner of Applicants’ claims.

The Office argues that the regions or “zones” in the conditioning cylinder of Donnelly et al. are analogous to the separate stacked mixing and reaction chambers, each with a separate and separately controllable rotor shaft, of the preconditioner of the present invention. The non-trivial differences are readily gleaned from the figure below.

Donnelly
(see Figure 4)



Present patent application
(see Figure 1)



In the device of Donnelly et al., the zones are arranged in parallel, not in series, and when the conditioning cylinder of Donnelly et al. is fitted with two shafts (see 5:10-32), these are positioned side-by-side, as in a twin-screw extruder. The zones of Donnelly et al. do not each have a unique rotor shaft, as required by Applicants’ claims, and such is not technically feasible in the conditioning cylinder of Donnelly et al. The device of Donnelly et al. could never operate as required by at

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least Applicants' claims 20 and 22.

Furthermore, the zones of Donnelly et al. are but different sections of the same contiguous barrel or conduit. Nothing in Baker et al., alone or in combination with Donnelly et al., teaches or suggests how the zones of Donnelly et al. could be operated at different filling volumes if the conditioning cylinder of Donnelly et al. were incorporated into the design of Baker et al. The zones of Donnelly et al. are not partitioned and could not have different volume capacities - the device would literally "choke".

For at least the foregoing reasons, Applicants respectfully submit that the rejection is improper and should be withdrawn.

Conclusion:

Based on the foregoing amendments and remarks, Applicants respectfully submit that the claims are now in condition for allowance, which allowance is earnestly solicited. If, in the opinion of the Examiner, a telephone conference would advance prosecution of the application, the Examiner is invited to telephone the undersigned attorneys.

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REQUEST FOR EXTENSION OF TIME

Applicant respectfully requests a one-month extension of time for responding to the Office Action. The fee of \$130.00 for the one-month extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

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